



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,132	03/31/2004	Gary A. Brist	42P18776	9646

8791 7590 11/16/2005

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

EXAMINER

LAM, CATHY FONG FONG

ART UNIT	PAPER NUMBER
----------	--------------

1775

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/816,132

Applicant(s)

BRIST ET AL.

Examiner

Cathy Lam

Art Unit

1775

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 08-31-05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

In view of the amendment and remarks filed on August 31, 2005, the 112 rejections raised in the previous office action have been withdrawn. The cancellation of claims 19-29 is acknowledged. The pending claims continue to be patentable as following:

Claim Rejections - 35 USC § 102

1. Claims 1, 2, 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Arnaud et al (US 6872453).

Arnaud discloses a thermochromatic coated layer comprised of a substrate having a conductive layer and a thermochromatic layer. Optionally, a glass or another layer may be included (col 6 L 54-56 & col 7 L 1-4).

The examiner takes the position that the substrate having a conductive layer resembles a printed circuit board since the conductive layer is connected to an electrical supply (col 6 L 1-6, L 51-55). The thermochromictic layer has optical properties, is turned on by electrical control (or electrical supply) (col 6 L 36-40).

2. Claims 1-2 , 6, 9-13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Larson (US 6229514).

Larson discloses a display comprised of a substrate (10), electrode patterns (4,5) and a visualization medium (8); all in the named order.

The visualization medium (8) is temperature sensitive and changes color upon heating of the electrodes (col 5 L 10-17). The electrodes are connected to control units (e.g. integrated driving circuits) (col 4 L 49-53). The visualization medium transforms a

Art Unit: 1775

spot heat to a visible dot (9), the examiner takes the position that this is analogous to the identification markings as stated in claim 9.

The examiner takes the position that the electrodes on the substrate resembles a printed circuit board and the visualization medium resembles the thermochromatic coating. The thermochromic coating is opaque at room temperature but becomes transparent when heated (col 6 L25-29). The thermochromatic material can be a liquid crystal material (col 6 L 30-33).

3. Claims 1-3, 6, 9-13 and 17-18 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Parker (US 4922242).

Parker discloses a thermochromatic material coated substrate comprised of electrodes, a pigment layer, a transparent substrate, a mask and a thermochromatic material.

Electrodes (122,122') are formed onto both surfaces of the substrate (121) wherein the substrate is a resistive element (col 3 L 3-34). A mask (7) having a cutout pattern is placed adjacent to the first surface of the substrate (col 2 L 64-68). The thermochromatic material is applied to the second surface of the substrate (Fig. 2). Such that from Fig. 2, the thermochromatic material is placed below the mask (7).

The thermochromatic material can be a liquid crystal (col 5 L 21-23). At the transition temperature, the thermochromatic material changes from opaque white to transparent (col 5 L 38-39).

The examiner takes the position that the electrodes on the resistive element is equivalent to a printed circuit board and the electrodes resemble the signal layer. Also,

the examiner takes the position that the thermochromatic material is integrated with the mask layer (7).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parker (US 4922242) or Arnaud et al (US 6872453) or Larson (US 6229514) in view of Rait (US 6880396).

Parker, Arnaud and Larson all teach an electronic device having a liquid crystal thermochromatic material coated over the device.

The prior art references however do not teach the solder mask is transparent as in claim 8, nor do they teach the particular arrangement as in claim 16. The prior art also do not teach the thermochromatic material can be a leucodye or an N-isopropylacrylamide compound.

Rait teaches a liquid level indicator which is used for monitoring the amount of liquid in a container.

The liquid level indicator is a leucodye ink which is a thermochromatic material that exhibits vivid color changes with slight changes in temperature. The leucodye ink is to replace the conventional liquid crystal thermochromatic material (col 4 L 51-67).

In view of the prior art teachings, one skill in the art would change the arrangement to his desire and choose leucodye ink, liquid crystal or N-isopropylacrylamide as a thermochromatic material because the arrangement can be modified according to one's desire and these claimed thermochromatic materials are conventional heat sensitive color transforming.

Regarding to the thermochromatic material that is to indicate an area of the carrier substrate that is above an operative temperature caused by a dissipation of heat from the heat generating component. The examiner takes the position that this is a functional limitation which does not further limit the thermochromatic material nor changing the chemical or physical aspect of the thermochromatic material.

Response to Arguments

6. Applicant's arguments filed on August 31, 2005 have been fully considered but they are not persuasive. Applicant in the remarks argues that all of the prior art cited do not teach the thermochromatic layer is used to show a dissipation of heat from a heat generating component.

In response to the above argument:

Arnaud, Larson and Parker all teach a thermochromatic material that is coupled to a circuit substrate or an electronic component having electrodes, these are well known heat generating or heat dissipating components. All of the prior art teach a thermochromatic material that are heat sensitive and change color from opaque to transparent when a certain temperature is reached.

Applicant' newly added limitation is just a functional language and does not further limit the functionality of the thermochromtic material as it already possessed.

Rait was used to show that the thermochromatic material is a conventional visualization aid for detecting temperature changes in a given setting.

7. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

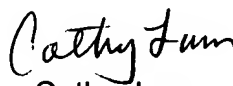
Art Unit: 1775

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cathy Lam whose telephone number is (571) 272-1538.

The examiner can normally be reached on 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Jones can be reached on (571) 272-1535. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Cathy Lam
Primary Examiner
Art Unit 1775

cfl
November 9, 2005